

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14680 of Eleni and Angelos Demetriou, pursuant to 11 DCMR 3107.2, for a variance from the use provisions of Sub-section 350.4 to allow offices for an international organization, labor union, architect, dentist, doctor, engineer, lawyer, or similar professional person, except that offices of a non-profit organization are a permitted use under BZA Order 11689 in an R-5-B District at premises 1901-09 O Street, N.W., (Square 111, Lot 54).

HEARING DATE: September 30, 1987
DECISION DATE: September 30, 1987 (Rench Decision)

FINDINGS OF FACT:

1. The site, known as premises 1901-09 O Street, N.W., is located at the northwest corner of the intersection of O and 19th Streets half a block east of Connecticut Avenue. The site is located in an R-5-B District.

2. The site is basically rectangular in shape with a frontage of 65.00 feet along O Street and 28.33 feet along 19th Street. A ten foot wide public alley is located to the rear of the site. The lot comprises 1,875 square feet and is improved with a five-story plus basement structure containing a gross building area of 10,103 square feet. The building was constructed in 1927 and is known as the Mooring.

3. The area surrounding the property consists primarily of commercial uses with a pocket of residential uses to the north and east of the property on either side of 19th Street. The properties located to the west of the Mooring are zoned C-3-B and consist of a variety of office and retail uses along Connecticut Avenue between Dupont Circle and Florida Avenue. The building directly to the west of the subject property is a multi-story, commercial office building known as the Caravel Building. It contains general commercial offices on the upper floors and retail uses on the ground floor. Immediately abutting the subject property to the north are row dwellings which are zoned R-5-B. To the east across 19th Street are residential buildings in the R-5-B District. The properties further east of the Mooring are zoned SP-1. The SP-1 zone at that location consists of non-profit, diplomatic, professional and medical offices, retail and apartment uses. The property located to the south and directly across from the

Mooring is zoned C-3-R and consists of commercial uses. Directly across O Street to the south of the Mooring, is the Anchorage Building which consists of ground-floor retail and general offices. Adjoining the Anchorage Building on the same side of the street are restaurants, book stores, an art gallery and other commercial uses.

4. Pursuant to 11 DCMR 3107.2 the applicants are seeking a variance from the use provisions of Sub-section 350.4 to allow offices for an international organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person except that the offices of a non-profit organization are a permitted use under BZA Order No. 11689.

5. Since its construction, the structure has not been used for residential purposes.

6. The current Certificate of Occupancy authorizes non-profit office use. The previous certificate of occupancy's authorized offices and retail sales of antiques. The property was originally zoned commercial, but was rezoned to R-5-C when the current Regulations were adopted in 1958. In 1974, the property was rezoned to R-5-B as a result of the Dupont Circle rezoning (Zoning Commission Order No. 90).

7. From 1957 to 1965, the first floor of the property was occupied by an antique shop and a travel agency. The second floor was devoted to general office use.

8. By BZA Appeal No. 8048, dated January 13, 1965, the Board granted approval of an application to extend the existing office use throughout the building except for the first floor. The building was occupied by the National Association of Retail Civil Employees.

9. By BZA Application No. 11689, dated August 27, 1974, the BZA granted a special exception to extend the nonconforming office use to the first floor of the building. The entire building was then available for use by nonprofit organizations.

10. The building is currently occupied by the Institute for Policy Studies which has outgrown the building and has sold it in order to acquire a larger facility.

11. The applicant, Angelos Demetriou, is the head of Angelos Demetriou and Associates, an architectural and urban planning firm, and the senior partner of Architects International, a similar firm.

12. The applicant proposes expanding the existing non-profit use to offices for professionals to allow the

applicant to occupy a portion of the building and to lease the remaining space.

13. The structure is in a deteriorated condition. The exterior is in substantial need of restoration. The interior requires new mechanical systems, space regulation and new furnishings. The building is in need of substantial upgraded features and renovation in order to attract tenants at market rates.

14. The applicants propose to restore the exterior and renovate the interior to create modern and efficient offices. It is expected that the renovated building will generate income capable of off-setting the restoration cost.

15. The proposed restoration is intended to maintain the integrity of the Dupont Circle Historic District within which it is located.

16. The applicant's office will occupy approximately one-third of the structure.

17. Limiting the use of the structure to non-profit organizations would restrict the number of potential tenants and render the restoration risky and unadvisable. The applicant, as an expert in architecture and planning, testified that the building could not reasonably be converted to residences. The Board concurs.

18. The applicants' traffic analyst concluded the following:

- a. The building at 1901 O Street is exceptionally convenient to Metro rail.
- b. The current tenants of the building make excellent use of Metro rail for their trip to work.
- c. The applicant's staff has a similar disposition toward using Metro for work trip travel.
- d. The small amount of parking demand generated by the existing tenants have been met by existing tenants facilities.
- e. The construction of the building pre-dated the parking regulations, the change in the intensity of use does not require the addition of parking spaces and the applicant's use of the building is not projected to increase the need for parking

beyond that required to serve the current tenants.

- f. The occupancy of the structure by the applicant will not create a measurable change in the transportation needs associated with this site.

19. By letter dated September 26, 1987, the Dupont Circle Advisory Neighborhood Commission (ANC) 2B reported that it voted to support the application provided that: (a) no doctor/dentist clinics will be permitted on the premises; (b) that reference to "other similar professional person" be deleted from the application and; (c) the applicant is willing to rent to non-profit organizations. The Board finds that the applicants have agreed in writing to limit the uses of the structure to:

- a. Non-profit organizations;
- b. Design - oriented profession;
- c. International organizations;
- d. Professional organizations, labor unions, educational and religious institutions;
- e. Lawyers and accountants; and
- f. Doctor and/or dentists offices, excluding clinics.

20. Numerous letters were submitted to the record in support of the application.

21. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a use variance, the granting of which requires a showing through substantial evidence that the application has met the requirements of 11 DCMR Sub-section 3107.2. The Board concludes that the applicants have met the burden of proof.

The subject property is unique because, although located in the residential zone, it has never been used for residential purposes. Moreover, given the surrounding zoning, it is unlikely that the property will ever be used for anything other than commercial use. The property is surrounded by commercial uses, with the exception of a small pocket of rowhouses to the north. The building is in

complete disrepair and could not be leased in its current condition. If the use is limited to non-profit organizations, it will restrict the number of potential tenants to whom the building could be leased. In short, the limited use of the building renders the restoration risky and unadvisable.

Presently, the building is in serious disrepair and has become an eyesore to the neighborhood. The applicant's proposal to restore the building will significantly improve the building and enhance the neighborhood. The proposed renovation of the interior will result in a more efficient building without causing any harm to the physical structure of the building.

The use of the building for similar types of professional offices will not cause any significant impact on the surrounding property in terms of diminution of property values, creation of hazardous traffic conditions, or unreasonable noise and litter. This is not a proposal to change a residential use to general offices. The applicant proposes to expand a non-profit office use to all SP type users.

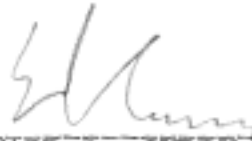
It would be unduly burdensome to restrict the applicants use of its property to non-profit organizations, given the commercial history of the property and the proximity to commercial uses that surround the property. There will be little difference, in terms of impact on the community, between non-profit and SP type offices. Any difference between the existing and proposed use will be minor.

The Board concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board further concludes that it has afforded to ANC-2B the "great weight" to which it is entitled. It is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, Maybelle T. Pennett and Carrie L. Thornhill to grant; William F. McIntosh not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: NO. 1 20

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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